



controlled sufficiently well, which can cause problems in particular during the production of proteins which are damaging to cells. The *TPS1* promoter from *S. cerevisiae*, for example, exhibits several sequences known to be general stress elements (STRE elements), namely CCCCT and AGGGG, but no more than one sequence acting as a heat-shock element (HSE), namely GGAACAGAACAATCG (SEQ ID NO:28). In addition, owing to their wide stress response, the promoters currently known are activated by a stress factor to a degree which is not satisfactory for many applications. --

### Remarks

Claims 30-59 are presently pending in this application. Applicants cancelled claims 1-29 and added claims 30-59 by way of the first Preliminary Amendment on October 31, 2001 simply to conform with accepted United States patent practice. Accordingly, no new matter was added to the application by way of the first Preliminary Amendment.

### Specification

The present (second) Preliminary Amendment merely serves to correct an informality with the originally-filed specification, namely, to provide a SEQ ID NO: for a sequence already present in the as-filed specification of the instant application. More specifically, this Preliminary Amendment provides the sequence identifier "SEQ ID NO:28" for the nucleic acid sequence GGAACAGAACAATCG found at line 17 on page 2 of the as-filed specification. Applicants provide herewith a replacement paragraph for the paragraph beginning at line 17 of page 2 in the instant specification. A "marked-up" copy of the amendment to the specification is also provided herewith.

Support for this amendment is found at line 17 of page 2 of the as-filed specification. Specifically, the sentence formerly reading "...namely GGAACAGAACAATCG." now reads "...namely GGAACAGAACAATCG (SEQ ID NO:28)." Accordingly, Applicants respectfully submit that no new matter has been added to the specification by way of this amendment.

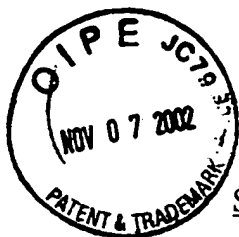


"Marked-up" copy indicating amendments to the specification

In the Specification:

On page 2, please delete the paragraph beginning on line 8 and ending on line 19, and insert the following paragraph in place thereof:

-- Expression vectors have been produced for research in molecular biology which comprise a heat-inducible promoter, for example that of the hsp70 gene from *Drosophila*. The promoters employed in the past for heat shock induction in fungal cells and in particular in yeasts have the drawback that they do not respond selectively to heat shock. Their mechanism of activation and deactivation cannot therefore be controlled sufficiently well, which can cause problems in particular during the production of proteins which are damaging to cells. The *TPS1* promoter from *S. cerevisiae*, for example, exhibits several sequences known to be general stress elements (STRE elements), namely CCCCT and AGGGG, but no more than one sequence acting as a heat-shock element (HSE), namely GGAACAGAACAATCG (SEQ ID NO:28). In addition, owing to their wide stress response, the promoters currently known are activated by a stress factor to a degree which is not satisfactory for many applications. --



Summary

Applicants respectfully submit that each apparent informality in the as-filed application has been overcome, and that each of claims 30-59 is fully supported by the specification as originally filed and in condition for allowance. Consideration and allowance of each of these claims are respectfully requested at the earliest possible date.

Respectfully submitted,

**ROMANO ET AL.**

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(Date)

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Enclosures: "Marked-up" copy to show changes made  
Statement to Support Sequence Listing  
Paper Copy of Sequence Listing  
CRF Copy of Sequence Listing (mailed separately to Box Sequence,  
Arlington, VA 22202)  
Copy of Notice to Comply



### Sequence Listing

Also submitted herewith is a substitute paper copy of the Sequence Listing and a Computer Readable Format (CRF) copy thereof on diskette. The substitute copies of the paper and CRF versions of the Sequence Listing were simply amended to reflect, as "SEQ ID NO:28," the presence of the nucleic acid sequence GGAACAGAACAATCG found at line 17 on page 2 of the **as-filed** specification. Because these amendments to the paper and CRF versions of the Sequence Listing merely serve to correct a formality with the as-filed application, Applicants respectfully submit that no new matter has been added by way of the present amendments.

Applicants also provide herewith a statement to support filing and submission in accordance with 37 C.F.R. §§ 1.821 through 1.825. In particular, the aforementioned statement verifies that no new matter was added by way of the amendments to the paper and CRF copies of the Sequence Listing, that the amendments made to the paper and CRF copies of the Sequence Listing are supported in the as-filed specification, and that the paper and CRF copies of the Sequence Listing are identical in content.